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Attorneys for Plaintiff Philip Morris USA Inc.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PHILIP MORRIS USA INC.,
Plaintiff,

v.

A & V MINIMARKET, INC., a New York
corporation doing business as A & V
MINI MARKET, *et al.*,

Defendants.

No. 07 Civ. 8359 (LAK)(GWG)

ELECTRONICALLY FILED

NOTICE OF MOTION

PLEASE TAKE NOTICE, that upon the annexed affidavit of James G. Ryan, sworn
to on the 1st day of August, 2008, the exhibits annexed thereto, the findings of fact and the
memorandum of law served concurrently herewith, and upon all the pleadings and proceedings
heretofore had herein, the undersigned will move this Court before the Honorable Gabriel W.

Gorenstien, United States District Court Magistrate Judge at the Courthouse located at 500 Pearl Street, in the City, County and State of New York, for a default judgment pursuant to Fed. R. Civ. P. 55(a) and Local Rule 55.1 against defendants LaFavorita Deli Grocery Corp., Uptown Deli & Grocery Corp., I & I Convenience Store Inc., TW Deli & Grocery Corp., Leena Deli & Grocery Corp., Menzal S. Azookari, Bronx #1 Discount Grocery Corp., Adel Elsaidi, RHS Grocery, Inc. and University Deli & Grocery Corp., and for such other and further relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE, that pursuant to the Order of this Court dated June 10, 2008, all opposition papers must (1) be served upon plaintiff's counsel, (2) filed with the Court, and (3) sent or delivered to the Court on or before September 3, 2008.

Dated: Garden City, New York
August 4, 2008

Respectfully submitted,
CULLEN AND DYKMAN LLP



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